

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION**

In Re:	Bankruptcy 02-90157
	Chapter 7 Case
Lilly M. Kirckof,	Adversary

Debtor,

Michael J. Iannacone, Trustee,

Plaintiff,

COMPLAINT

v.

Lilly M. Kirckof,

Defendant.

Now comes forth the Plaintiff and for his Complaint against the Defendant states and alleges:

1. That Plaintiff is the duly appointed, qualified and acting Trustee in the estate of the above named Debtor.
2. That the Court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. § 157 and 11 U.S.C. §727(d)(2) and (d)(3) and §727(e)(2). This is a core proceeding.
3. That on January 25, 2002 Michael J. Iannacone was appointed Interim Trustee.
4. That the debtor was granted a discharge in this case by Order dated April 30, 2002.
5. That Debtor and her attorney appeared and testified at the First Meeting of Creditors on February 26, 2002.
6. That on April 29, 2002 Debtor was notified to turnover a 1985 Porsch, license number

GFJ 020 and a 2000 Chevrolet Corvette, license number FSJ 130 to the trustee.

7. That on February 19, 2003 the trustee applied for, and obtained, an Order directing Debtor to surrender the property by April 7, 2003.
8. Debtor has failed to turn over said vehicles which are property of the bankruptcy estate nor has she responded in any way.

COUNT ONE

9. Reallege the allegations contained in paragraphs 1 through 9 as though fully set forth herein.
10. That the Debtor may have acquired property that is property of the Debtor's bankruptcy estate and knowingly and fraudulently failed to deliver or surrender such property to the trustee.
11. That pursuant to 11 U.S.C. § 727(d)(2) the Court shall revoke a discharge granted if the Debtor has acquired property of the estate and knowingly and fraudulently has failed to deliver or surrender such property to the trustee.

COUNT TWO

12. Reallege the allegations contained in paragraphs 1 through 12 as though fully set forth herein.
13. That the Debtor has failed to obey a lawful Order of the Court, the Order of March 18, 2003 for the turnover of the 1985 Porsche and 2000 Corvette.
14. That pursuant to 11 U.S.C. § 727(a)(6)(A) and 727(d)(3), the Court shall revoke the discharge granted if the debtor has refused to obey any lawful Order of the Court.

WHEREFORE, Plaintiff prays that the discharge granted to the defendant be revoked, that Plaintiff be awarded his costs and disbursements herein, including such reasonable attorney's

fees as the Court may allow, and for such other and further relief as the Court deems just and equitable in the premises.

Dated: January 30, 2004

 /e/ Michael J. Iannacone
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